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LENARD B. ZIDE
OF COUNSEL

July 20, 2015

By Regular and Electronic Mail

Robert A. Fisher
S. Theodore Merritt
Assistant U.S. Attorneys
United States Attorney's Office
Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

Re: **United States v. Timothy R. Flaherty, No. 15-cr-10127-MLW**

Dear Messrs. Fisher and Merritt:

As a supplement to the Rule 116.3(A) letter dated June 26, 2015, Defendant Timothy R. Flaherty ("Flaherty"), requests that the government produce the following material or information:

1. All information, including reports, letter, emails, and memoranda concerning the "relevant communications" that are alleged to have reached federal authorities by December 23, 2014 and December 24, 2014, as stated in the governments July 10, 2015 discovery response letter. This request seeks the substance of those communications, as well as the time, place and manner of those communications. Consistent with the Defendant's position, this information is material to preparing a defense to the federal nexus that the government is required to prove under Fowler v. United States, 131 S.Ct. 2045 (2011). Alternatively, if there are no documents, a statement detailing the communications between state authorities and the USAO and/or other federal law enforcement or prosecutors on these dates.
2. Based on the government's response that no warrant was obtained for the interception of the Defendant's communications, the Defendant requests all information concerning authorization to conduct warrantless interceptions of the following communications:

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- a. telephonic communications between Flaherty and Bichri on December 23 and 24, 2014;
- b. communications during the meeting between Flaherty and Bichri at Dunkin' Donuts on December 24, 2014;
- c. all further communications between Flaherty and Bichri between December 24, 2014 and May 21, 2015.

Please contact me if you have any questions regarding these requests. Thank you.

Sincerely,

/s/ Matthew D. Thompson
Matthew D. Thompson

cc: Thomas J. Butters, Esq.
Martin G. Weinberg, Esq.
Clerk's Office (via ECF system)